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January 18, 2018

VIA ECF:

Honorable Brian M. Cogan
United States District Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Jasmin R. Francis vs. General Revenue Corporation
United States District Court – Eastern District Of New York
Case Number: 1:18-cv-06955

Dear Judge Cogan:

Jasmin Francis (“Plaintiff”) and General Revenue Corporation (“GRC”) hereby submit this joint letter to provide a brief description of the case, including factual, jurisdictional, and legal bases for the claims and defenses, and addressing any contemplated motions.

Plaintiff’s Statement of Facts and Claims for Relief

In 2010, Plaintiff incurred a personal student loan obligation from Cornell University. Years later, Defendant GRC attempted collecting on said debt, allegedly due and owing, by sending a collection letter dated May 31, 2018 to Plaintiff. Within the letter, Defendant attempts to collect \$3,729.21 in principal. In addition, Defendant seeks to collect “collection costs” of \$1,680.04. The underlying contract with Cornell University provides for attorney’s fees and reasonable costs of collection. Here, Defendant is seeking costs of collection totaling over 40% of the debt which is simply not reasonable. Further, Defendant is seeking to collect an erroneous “Penalty/Late” fee which is also not authorized by contract.

Defendant’s Statement of Facts and Defenses

GRC disagrees with Plaintiff’s assertions and maintains that it has not violated the Fair Debt Collections Practices Act (“FDCPA”). GRC states that it takes all steps necessary

to ensure compliance with the FDCPA. Plaintiff's Complaint also has failed to state a claim upon which relief can be granted.

In addition, GRC anticipates asserting the following defenses: (1) GRC complies with the provisions of the FDCPA; (2) to the extent GRC is found to have violated the FDCPA, which is denied, any such violation was unintentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors; (3) Plaintiff and the putative class members she purports to represent failed to exercise reasonable diligence to mitigate their harm/damages (if any were in fact suffered, which is expressly denied) and, therefore any damages awarded to them should be reduced accordingly; (4) Plaintiff has not incurred an injury in fact and therefore lacks standing under Article III of the United States Constitution and *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1550 (2016), to bring the instant claims; and (5) the damages of Plaintiff and the putative class members she purports to represent, if any, and none being admitted, were not caused by GRC, but by another person or entity, including Plaintiff or the putative class member, for whom GRC is not responsible and over whom GRC has exercised no control.

Accordingly, GRC states that Plaintiff cannot maintain her action against GRC on an individual or class basis.

Plaintiff's Bases for Jurisdiction

Plaintiff has federal court jurisdiction based on 28 U.S.C. §1331 due to his claims against Defendants for violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Plaintiff's Contemplated Motions

Plaintiff anticipates filings motions for class certification and summary judgment.

Defendants' Contemplated Motions

GRC anticipates filing a motion to dismiss. Should that motion be denied, GRC reserves its right to file a dispositive motion at the conclusion of discovery.

Respectfully,

/s/ Philip A. Goldstein

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cc: All counsel of record (via ECF)